

REMARKS

In response to the office action dated December 15, 2005, wherein claims 1, 2, 6 & 7 were rejected under 35 U.S.C. § 103(c) as being unpatentable in view of Patent Application Publication No.: 2002/0096638 to Toomey, in view of U.S. Patent Application Publication No.: 2003/0146840 to Donskoy et al.

The rejection of claims 1, 2, 6 and 7 as unpatentable under 35 U.S.C. § 103(a) are respectfully traversed, since a *prima facie* case of obviousness has not been made by the Examiner. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” (See M.P.E.P. § 2143 (8th Ed. 2001)).

U.S. Patent Application Publication 2002/0096638 shows an electromagnetic radiation generator which is projected toward a structure and a sensor to detect changes in radiation. The 2002/0096638 application notes that the electromagnetic **generator** may include infrared. This disclosure; however, is unrelated to the presently claimed invention. In the presently claimed invention, a thermal imaging camera receives the thermal image of a structure. The invention does not include prior electromagnetic radiation of the structure. As such, the cited references do not disclose or suggest every claimed element of the invention. A *prima facie* case of obviousness has not been made because all of the elements of the claimed invention are not shown. Moreover, U.S. Patent Publication 2002/0096638 teaches away from the claimed invention in that it teaches that the structure needs to be radiated with an electromagnetic radiation generator and the **changes** in radiation detected in contrast with the presently claimed invention.

CONCLUSION

Applicant respectfully suggests that the claims are in condition for allowance.

Respectfully Submitted,

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CERTIFICATE OF DELIVERY

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